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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,438	04/09/2007	Dan G. Siegel	20737-PCT-US	2428

30482 7590 04/15/2010
BEMIS COMPANY, INC.
Patent and Trademark Department
2200 BADGER AVENUE
OSHKOSH, WI 54904

EXAMINER

PATTERSON, MARC A

ART UNIT	PAPER NUMBER
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1782

MAIL DATE	DELIVERY MODE
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04/15/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ADVISORY ACTION

Acknowledgement of Applicant's Arguments

1. The amendment made in Claim 1 in the After Final Amendment filed January 22, 2010 has not been entered because the amendment raises a new issue. Claim 1, prior to amendment, was not directed to an effective amount of nitrogen oxide – containing compound ‘insufficient to effectively cure the entire myoglobin – containing food product. The meaning of curing ‘effectively’ is also unclear. The amendment therefore raises issues which would require further search and consideration to be fully considered, and the amendment has therefore not been entered.

2. The amendment made in Claim 12 in the After Final Amendment filed January 22, 2010 has not been entered because the amendment raises a new issue. Claim 12, prior to amendment, was not directed to an effective amount of nitrogen oxide – containing compound ‘insufficient to effectively cure the entire myoglobin – containing food product.’ The meaning of curing ‘effectively’ is also unclear. The amendment therefore raises issues which would require further search and consideration to be fully considered, and the amendment has therefore not been entered.

3. The amendment made in Claim 16 in the After Final Amendment filed January 22, 2010 has not been entered because the amendment raises a new issue. Claim 16, prior to amendment, was not directed to an effective amount of nitrogen oxide – containing compound ‘insufficient to effectively cure the entire myoglobin – containing food product.’ The meaning of curing

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‘effectively’ is also unclear. The amendment therefore raises issues which would require further search and consideration to be fully considered, and the amendment has therefore not been entered.

4. The amendment made in Claim 26 in the After Final Amendment filed January 22, 2010 has not been entered because the amendment raises a new issue. Claim 26, prior to amendment, was not directed to an effective amount of nitrogen oxide – containing compound ‘insufficient to effectively cure the entire myoglobin – containing food product.’ The meaning of curing ‘effectively’ is also unclear. The amendment therefore raises issues which would require further search and consideration to be fully considered, and the amendment has therefore not been entered.

5. The amendment made in Claim 27 in the After Final Amendment filed January 22, 2010 has not been entered because the amendment raises a new issue. Claim 27, prior to amendment, was not directed to an effective amount of nitrogen oxide – containing compound ‘insufficient to effectively cure the entire myoglobin – containing food product.’ The meaning of curing ‘effectively’ is also unclear. The amendment therefore raises issues which would require further search and consideration to be fully considered, and the amendment has therefore not been entered.

ANSWERS TO APPLICANT'S ARGUMENTS

6. Applicant's arguments regarding the 35 U.S.C. 102(b) rejection of Claims 1 - 4, 6 - 11, 16, 19 - 24 and 26 as being anticipated by Meier et al. (U.S. Patent No. 6,623,773 B2) as evidenced by Shimp et al (U.S. Patent No. 4,781,934), 35 U.S.C. 103(a) rejection of Claims 5 and 27 as being unpatentable over Meier et al. (U.S. Patent No. 6,623,773 B2) and 35 U.S.C. 103(a) rejection of Claims 12 - 15 and 17 - 18 as being unpatentable over Meier et al. (U.S. Patent No. 6,623,773 B2) in view of Ramsbottom (U.S. Patent No. 2,621,129), of record in the previous Action, have been carefully considered but have not been found to be persuasive for the reasons set forth below.

Applicant argues, on page 4 of the remarks dated January 22, 2010, that Meier et al fail to disclose an effective amount of nitrogen oxide – containing compound insufficient to effectively cure the entire myoglobin – containing food product.

However, as stated above, the claimed invention, prior to amendment, was not directed to an effective amount of nitrogen oxide – containing compound ‘insufficient to effectively cure the entire myoglobin – containing food product.’ The amendment therefore raises issues which would require further search and consideration to be fully considered, and the amendment has therefore not been entered.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497. The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Marc A Patterson/
Primary Examiner, Art Unit 1782